

REMARKS

Claims 24-30 are currently pending in the application. Claims 24, 28 and 30 are independent. By this amendment, claims 24-30 are amended. Support for the amendment to claims 24-30 can be found in the figures and originally filed claims. No new matter is added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

***Allowable Claims***

Applicant appreciates the indication that claim 28 is allowable and would be allowed if amended to overcome the Section 112, 1<sup>st</sup> paragraph, rejection. Applicant submits, however, that all claims are in condition for allowance for the following reasons. Claim 28 has been amended to overcome this rejection and should now be allowed.

***35 U.S.C. § 112, 1<sup>st</sup> Paragraph, Rejection***

Claim 28 was rejected because, the Examiner asserts, it recites a feature which lacks enablement.

Applicant has, in an effort to advance prosecution, amended claim 28 to provide full enablement for each of the recited features.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the above-noted rejection of these claims.

**35 U.S.C. §102 Rejection**

Claims 24-26 and 30 were rejected under 35 U.S.C. §102(b) for being anticipated by U. S. Patent No. 5,417,146 (incorrectly listed by the Examiner as 5,417,147) to ZIMMER et al. This rejection is respectfully traversed.

The claimed invention is directed to a recirculating filter tank system adapted for use in a septic system. The tank is a septic system tank that includes a bottom and sides, an inlet and outlet. An effluent distribution system includes troughs forming channels integrally in at least the bottom and sides of the tank. The channels include at least one bottom channel that opens out to an inside of the tank and that spans substantially between ends of the tank at the bottom, and that also includes additional channels intersecting the bottom channel.

Claim 24 specifically recites:

a septic system tank having a bottom and sides, and an inlet and outlet; at least one bottom channel being open to an inside of the tank and spanning substantially between opposing ends of the tank at the bottom and additional channels intersecting the bottom channel.

Claim 30 specifically recites:

a septic system tank having a bottom and sides, and an inlet and an outlet;  
at least the bottom of the tank comprising integrally formed troughs which open to an inside of the tank;  
at least one of the integrally formed troughs of the bottom of the tank spanning the bottom of the tank and extending between different sides of the tank.

ZIMMER does not show or disclose these features. Figs. 1 and 2 of ZIMMER show a tank for water carbonation (see col. 1, lines 4-7) and not a septic system tank. Additionally, col. 2, lines 48-51 of ZIMMER specifically

explains that the channel system 36 is arranged on the bottom wall and not on any of the side walls.

Therefore, claims 24 and 30 include allowable subject matter, not shown in the ZIMMER reference.

Accordingly, Applicant respectfully requests that the rejection over claims 24-26 and 30 be withdrawn.

***35 U.S.C. §103 Rejections***

**Over Zimmer with Berg**

Claims 24-26 and 29 were rejected under 35 U.S.C. §103(a) over ZIMMER in view of U.S. Patent No. 6,280,614 to BERG et al. This rejection is respectfully traversed.

Applicant agrees with the Examiner that ZIMMER does not disclose or suggest that the channels can be formed on the sides of the tank. However, as explained above, it is also apparent that ZIMMER teaches a tank for water carbonation (see col. 1, lines 4-7) and not a septic system tank.

BERG does not cure the deficiencies of ZIMMER. While it is apparent that BERG teaches a septic system tank, Figs. 2 and 6 of BERG clearly illustrates that the tank includes troughs defined by ribs 4 that do not have any intersecting troughs. The Examiner simply cannot ignore the fact that Figs. 2 and 6 of BERG show a tank which is entirely devoid of any intersecting troughs or any integrally formed troughs which span the bottom of the tank.

Finally, the Examiner has failed to establish any proper basis or motivation for combining the teachings of these documents. Indeed, Applicant submits that

the above-noted differences between these documents actually teach away from their combination. For example, there is no logical basis for replacing the tank in BERG with that of ZIMMER or vice versa. While it is true that ZIMMER teaches a tank with bottom channels, ZIMMER does not teach side wall channels and specifically relates to carbonizing water tank that is not useful in a septic system. Thus, if the tank of ZIMMER is replaced with the tank in BERG (as suggested by the Examiner), the result would be a tank which would not function properly in a septic system. Also, such a modification would clearly contradict the specific disclosure of ZIMMER which treats water for human consumption and not waste water. ZIMMER, in contrast to the invention and BERG, is entirely unconcerned with, and indeed teaches away from, a septic system tank with integrally formed channels or troughs.

Accordingly, Applicant respectfully requests that the rejection of claims 24-26 and 29 be withdrawn.

Over Zimmer with Townsend

Claim 27 was rejected under 35 U.S.C. §103(a) over ZIMMER in view of U.S. Patent No. 3,738,527 to TOWNSEND. This rejection is respectfully traversed.

As explained above, Applicant does not disagree with the Examiner that ZIMMER does not disclose or suggest that the channels can be formed on the sides of the tank. However, as explained above, it is also apparent that ZIMMER teaches a tank for water carbonation (see col. 1, lines 4-7) and not a septic system tank.

TOWNSEND does not cure the deficiencies of ZIMMER. While it is apparent that TOWNSEND teaches a tank liner system, TOWNSEND does not disclose that the tank can include any troughs, much less, intersecting troughs. Nor has the Examiner identified any language in TOWNSEND which explains that the disclosed liner can be used on a septic system tank.

Finally, the Examiner has failed to establish any proper basis or motivation for combining the teachings of these documents. Indeed, Applicant submits that the above-noted differences between these documents actually teach away from their combination. For example, there is no logical basis for replacing the tank in TOWNSEND with that of ZIMMER or vice versa. While it is true that ZIMMER teaches a tank with bottom channels, ZIMMER does not teach side wall channels and specifically relates to carbonizing water tank that is not useful in a septic system. Thus, if the tank of ZIMMER is replaced with the tank in TOWNSEND (as suggested by the Examiner), the result would be a tank that lacks any troughs or channels and which would not function properly in a septic system. Also, such a modification would clearly contradict the specific disclosure of ZIMMER which treats water for human consumption and not waste water. ZIMMER, in contrast to the invention, is entirely unconcerned with, and indeed teaches away from, a septic system tank with integrally formed channels or troughs.

Accordingly, Applicant respectfully requests that the rejection of claim 27 be withdrawn.

Over Zimmer with Berg and Townsend

Claim 27 was rejected under 35 U.S.C. §103(a) over ZIMMER in view of BERG and TOWNSEND. This rejection is respectfully traversed.

As explained above, Applicant does not disagree with the Examiner that ZIMMER does not disclose or suggest that the channels can be formed on the sides of the tank. However, as explained above, it is also apparent that ZIMMER teaches a tank for water carbonation (see col. 1, lines 4-7) and not a septic system tank.

BERG does not cure the deficiencies of ZIMMER. While it is apparent that BERG teaches a septic system tank, Figs. 2 and 6 of BERG clearly illustrates that the tank includes troughs defined by ribs 4 that do not have any intersecting troughs. The Examiner simply cannot ignore the fact that Figs. 2 and 6 of BERG show a tank which is entirely devoid of any intersecting troughs or any integrally formed troughs which span the bottom of the tank.

TOWNSEND does not cure the deficiencies of ZIMMER or BERG. While it is apparent that TOWNSEND teaches a tank liner system, TOWNSEND does not disclose that the tank can include any troughs, much less, intersecting troughs. Nor has the Examiner identified any language in TOWNSEND which explains that the disclosed liner can be used on a septic system tank.

Finally, the Examiner has failed to establish any proper basis or motivation for combining the teachings of these documents as explained above.

Accordingly, Applicant respectfully requests that the rejection of claim 27 be withdrawn.

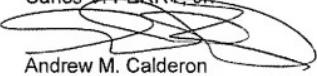
***Comments on Reasons for Allowance***

In response to the Statement of Reasons for Allowance set forth in the Office Action, Applicant wished to clarify the record with respect to the basis for the patentability of the indicated claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indication that certain identified features are not disclosed by the references, Applicant submits that the claims in the present application recite a combination of features, and that the basis for patentability of these claims is based on the totality of the recited features.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,  
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